

# AI WEIWEI V. SKANDINAVISK MOTOR CO. A/S

Case BS-38220/2018-GLO

Courtroom Sketches from Ai Weiwei's  
Legal Battle Against Volkswagen

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notebook n.1

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## Courtroom Sketches from Ai Weiwei's Legal Battle Against Volkswagen

The story of the lawsuit attempted by Ai Weiwei vs. Skandinavisk Motor Co. A/S, accused of having used without permission one of the artist's public installations for a Volkswagen ad campaign. This is the story of what happened, together with drawings by Gianluca Costantini, invited by Ai Weiwei to document the trial.

When the attorney of Ai Weiwei (Beijing, 1957) enters the courtroom, the first thing she does is apologize for the weather: "We only have two weeks of summer in this country. And usually NOT when we are on vacation...". It is obvious that she wants to ease the tension.

The artist woke up at 2 a.m. to review his testimony for the trial against Skandinavisk Motor Co. A/S, which represents, among others, the car manufacturer Volkswagen. And many people of his staff seem tired for lack of sleep, too. On the taxi, while we are heading to court, a printed booklet pops-up with all the relevant materials of the case: these are the miracles of the Ai Weiwei studio's organization, a group of dedicated individuals working with the artist. The booklet reports a statement of the prosecutor, the history of the car manufacturer, pictures and various materials related to the events that led to this legal case filed in 2017, when Kunsthall Charlottenborg hosted the *Soleil Levant* installation: 3,500 life jackets installed in a huge contemporary mosaic in the large windows of the Danish museum, with a deep orange chromatic effect.

### THE FACTS

The exhibition ran from June to October, gaining so much attention that the museum director, Mr. Michael Thøyer, believed that it reached

a press coverage of about 280 million people worldwide, which made it very unlikely that Volkswagen was unaware of the fact that the facade of the museum was a work of art when they chose to take pictures for advertising reasons of a Polo that “by chance” happened to be orange in color and had the art installation as its backdrop...

We are here to record “visually” this trial that takes place in the suburbs of the Danish capital, where the company charged with copyright infringement has its headquarters. Here, posters showing the face of each European candidate do not hang from trees everywhere, such as downtown. We are in those areas that house services, such as the buildings of this huge court, but which do not have a clear urban scope.

We enter a court that, if it were not for the security checks at the entrance, would look like a hotel. Let’s think for a moment. Indeed, as an artist cooperating with the major museums of Europe and in general across the globe to challenge the seventh company in the world acting as the main sponsor in many sports and cultural initiatives is not a trivial thing. These are choices that for many artists would be prohibitive or in any case would put them in an uncomfortable position, elements that today are often connected. And all of this for a picture in a promotional magazine? “Of course,” the artist says when we ask him. “This is a matter of credibility. Of a relationship based on trust. I owe this to the thousands of migrants that I interviewed and met over the years. They must not think that this can become material to sell a car.”

## **THE TRIAL**

We are a large group of people following the trial. Not just the aides of the studio, but also a Danish-Chinese translator friend of the artist, a Danish freelance journalist, and other friends of the artist. The court comprises two female judges and a male judge, and both the prosecution and the defense are led by women lawyers.

We cannot fail to notice this. In this country, of course, this is standard. Ai Weiwei’s prosecutor has one hour of time available to make his case. Of course, it is not easy to listen to the translation in Chinese, which is not so great. Since this was expected the translation into English,

a language in which Ai Weiwei is perfectly fluent was requested. However, apparently, it was impossible to arrange for it. Thus, we have a homemade LAN where we receive summaries in English from a bad translation into Chinese. In short, the details are lost. Even the fact that the trial does not have a single judge, in a case like this, makes it clear that the apparent ease of Skandinavian Motor, represented by its CEO in the courtroom, is indeed apparent only. The news was in the spotlight at the national level across all media and, specifically, on the day we write, The Guardian published an article by the artist explaining the reasons for his actions. The arrogance and superficiality with which his claim was approached during the negotiations show, in his opinion, the arrogance that these companies hide behind their bright advertisements and their acts of “charity”. The message was delivered and perhaps the whole issue was taken seriously in the final stretch. It is striking that this latter aspect is mentioned immediately by the CEO during his defense testimony: “We are a small Danish company, representing 50 brands including Volkswagen. We do charity work. We did it for the refugees too, as well as for Africa and for children suffering from cancer.” Well done, one could say. Yet, the issue is different here. Kusthal Charlottenborg’s director makes it extremely clear: “They are not just the rights of the artist to have been violated, but also those of the museum that commissioned the work. If this breach is not acknowledged, art is destined to die.” Hard words, in a speech that did not fear, even in this case, the reaction of any private sponsors linked to the institution he is managing. Would that be possible in Italy?

## **ETHICS AND VIOLATION**

While Gianluca Costantini draws the faces and – above all – the position of the feet of the participants, it is natural to wonder about the level of ethical righteousness that we demand from the sponsors who donate in favor of culture. Not to mention the use of the artists’ material. In some periods, the sponsors become the monument along with their brand: remember the Colosseum covered with ads? But by now those architects and those artists are dead and buried. Certainly, we cannot go back and ask for explanations of what

consumer neo-capitalism deems natural and almost due.

The mocked photographer and magazine editor mumble: "I never stepped in that museum." Is that true? But above all, is it a justification? Thus, in the final indictment, the defense attorney pumps it up: "After all, the image had no marketing effect. Few people in Denmark knew about the exhibition." The embarrassment in the audience, especially among the Danes, grows. Our ignorance will be our defense?

Or do we deem one of the most influential and well-known artists in the world to a nobody in this country?

Taking pictures or shooting videos in the courtroom is forbidden. Thus, the safe and grounded feet of the CEO will be immortalized forever only by the eyes of Costantini. In those lines, we see a lot of the impossible dialog between corporations and society at large. Between society and capitalism that turned into a political dragon, capable to make deals with anyone in exchange for continuous and geometric growth, yet unable to spot a work of art.

This sort of cultural narrow-mindedness, inherent in this system of production and consumption, is embodied by those feet and shoes. Especially, in the sly smile that Ai Weiwei held during the long indictment of the defense, when he was basically being told: "Well, you know, you are not really good for selling cars." The court took 72 days to decide, therefore the verdict will be published in July. Meanwhile, the Chinese artist does not seem to be interested in winning rather in the public debate on the subject: what is the relationship between corporations and freedom of expression? Where does the artist's work end, if it ever ends? And a whole series of dilemmas that are at the heart of the relationship between art and capitalism.

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Zachary Small

## Courtroom Sketches from Ai Weiwei's Legal Battle Against Volkswagen

The artist has filed a lawsuit against the company for copyright infringement after the automaker used one of his works about the refugee crisis as a backdrop for its cars.

Something is rotten in the state of Denmark, and Ai Weiwei is searching for a legal solution.

The Chinese artist, who currently lives in Europe, filed a lawsuit against Volkswagen and its Danish counterpart Skandinavisk for copyright infringement. Ai alleges that the automaker use an installation of his work at the Kunsthall Charlottenborg in Copenhagen as a backdrop for one of its car advertisements without his or the museum's permission.

The artwork in question is called "Soleil Levant" (2017). Created for World Refugee Day, it consists of 3,500 discarded, bright orange life jackets used by migrants who fled persecution and landed in Lesbos, Greece.

"I was not credited as the artist, and my artwork image was... cropped without permission," the artist wrote on Instagram in March. "The infringing material was circulated to over 200,000 people, giving the false impression that I had authorized Volkswagen to use my artwork in its ad."

On social media, the artist said that he ultimately resorted to legal action after more than a year of "fruitless negotiation" with the company, which he said "only engaged in arrogant gestures to trivialize their guilt and dismiss the matter."

He added: “Volkswagen’s wrongdoing compromises my credibility, and could easily destroy the trust I have built with the refugees I work to support. Why should refugees choose to associate with me if they believe that I would exploit their plight for commercial gain?”

A representative of the company brushed off the allegations, telling the Danish publication Ritzau that the use of Ai’s artwork was a “coincidence” after a day spent photographing the orange car in “beautiful locations” around the city.

The response has likely inflamed tensions between the automaker and artist. Ai later wrote on Instagram: “Such corporate bullying plunders the fruit of others’ labor, intimidates individuals attempting to enforce their rights, and shows contempt for humanitarian and ethical behavior.”

Online, the artist has also outlined the irony of Volkswagen using an artwork about human rights abuses as a prop for selling its ware. He cited a Hong Kong Free Press article, which said:

*The German carmaker is so deeply invested in China that two reliable sources confirm that prominent figures associated with Volkswagen informally lobbied the German foreign minister, Heiko Maas, not to bring up China’s program of mass internment of Muslims and other ideological enemies in Xinjiang when he visited his counterpart Wang Yi in Nov. 2018.*

“Should the public not be informed about these facts at the same time when VW forcibly co-opts refugees’ life jackets — the most poignant symbols of human suffering and hope — as color-compliant props in its newest VW Polo ad?” Ai asked on Instagram.

The artist has certainly mounted a vigorous defense on social media, and his attempts to document his battle against the international giant continued within the courtroom. Yesterday, Ai entered the Glostrup District Court in Copenhagen to provide initial testimony before the three judges alongside his lawyers from the Danish firm Poul Schmith.

Attending the public trial were a group of artists including Gianluca Costantini who sketched out scenes from the courtroom. He described the atmosphere as very tense, “especially from the accused side,” he said. Included in his cartoons from the trial are excerpts from the exchange between the judge, Ai, and a lawyer for Volkswagen.

“What do you do?” a judge asks Ai in one of the panels, seemingly unaware of the artist’s global popularity. “I’m an artist!” he responds.

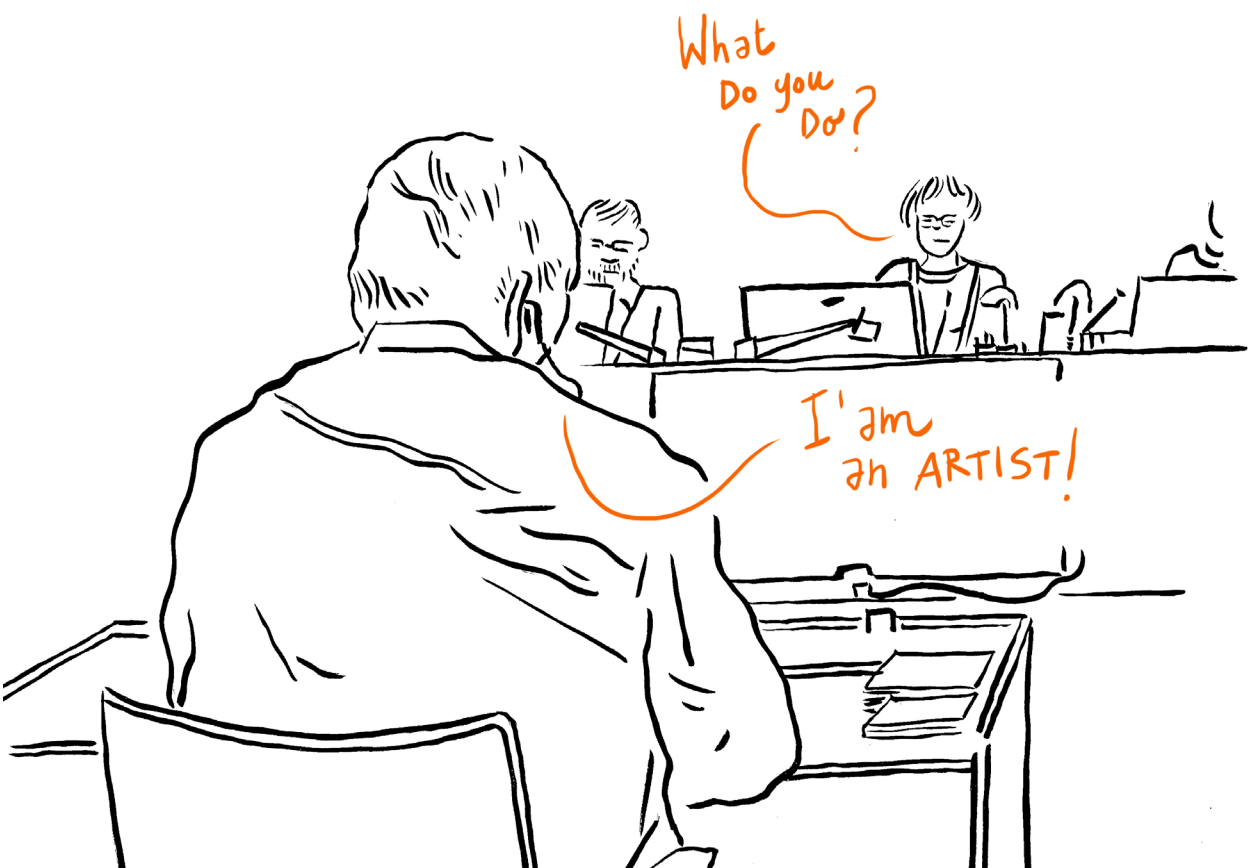
Another illustration focuses on the defense for Volkswagen given by one of its lawyers. “Let’s say that the image has no real marketing effect,” she reasons. “Only very small media covered this exhibition. Few people in Denmark knew about it.”

“I think it is my responsibility to publicize the problems I encounter. Judging from past experience, I don’t trust most systems,” Ai responds. He continues in another image: “These vests are the most important evidence of how human beings try to survive.”

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Zachary Small is the senior writer at Hyperallergic and has written for The New York Times, The Financial Times, The Nation, The Times Literary Supplement, Artforum, and other publications. They have also appeared on WNYC.

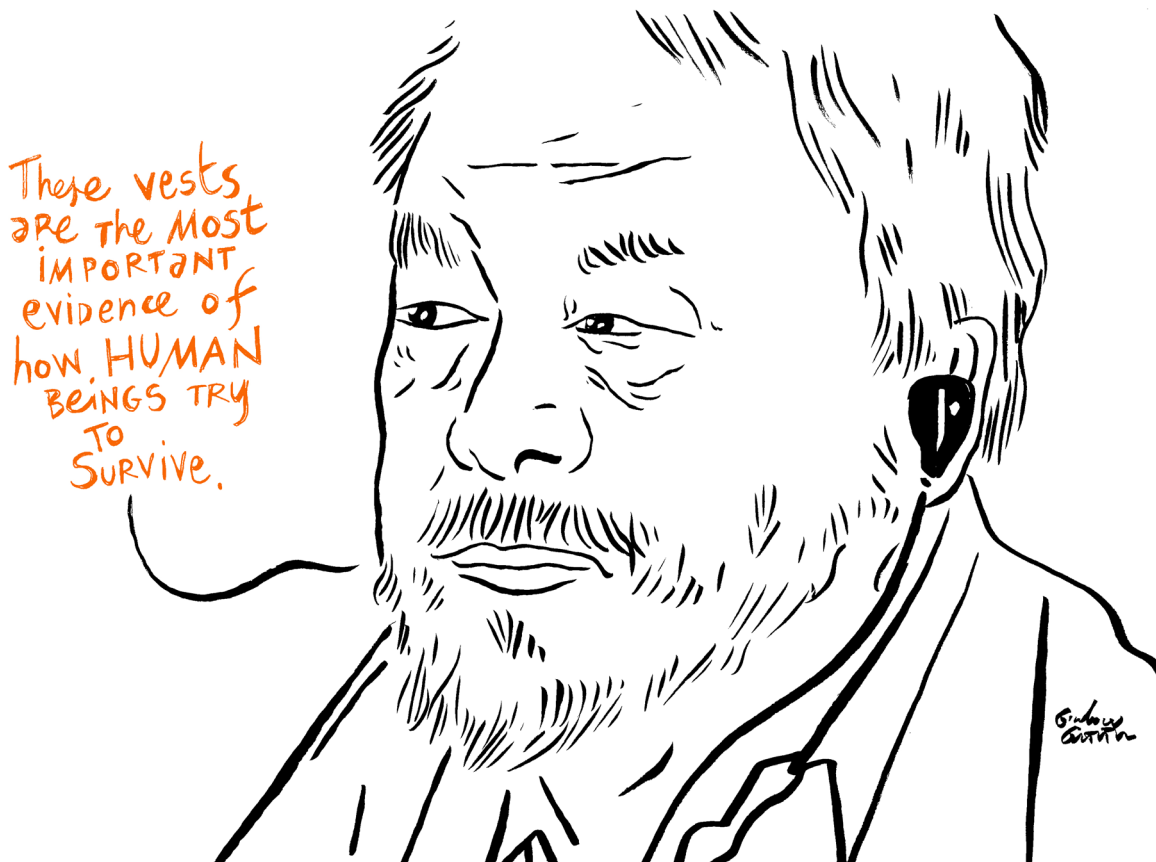




What do you do?

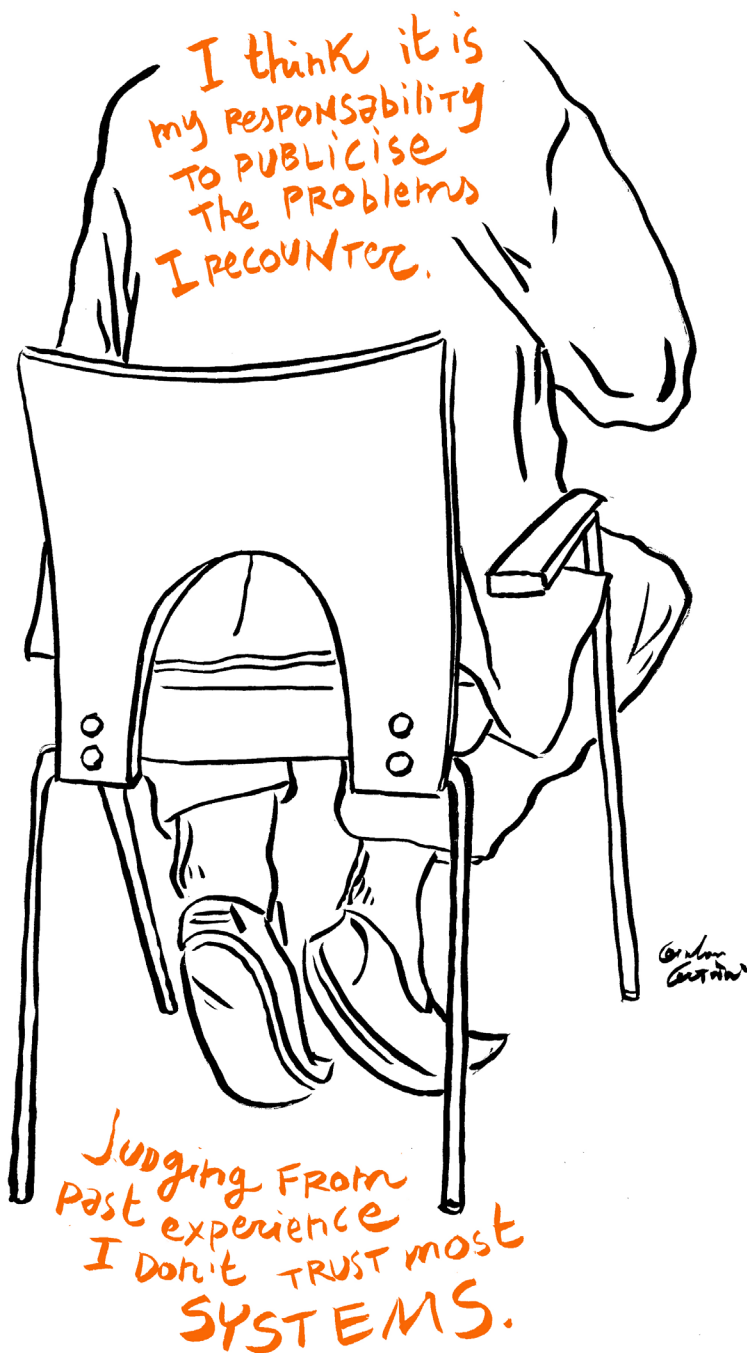
I'm an artist!

black ink and pen marker on paper,  
24x33 cm, 2019



These vests  
are the most  
important  
evidence of  
how HUMAN  
BEINGS TRY  
TO  
SURVIVE.

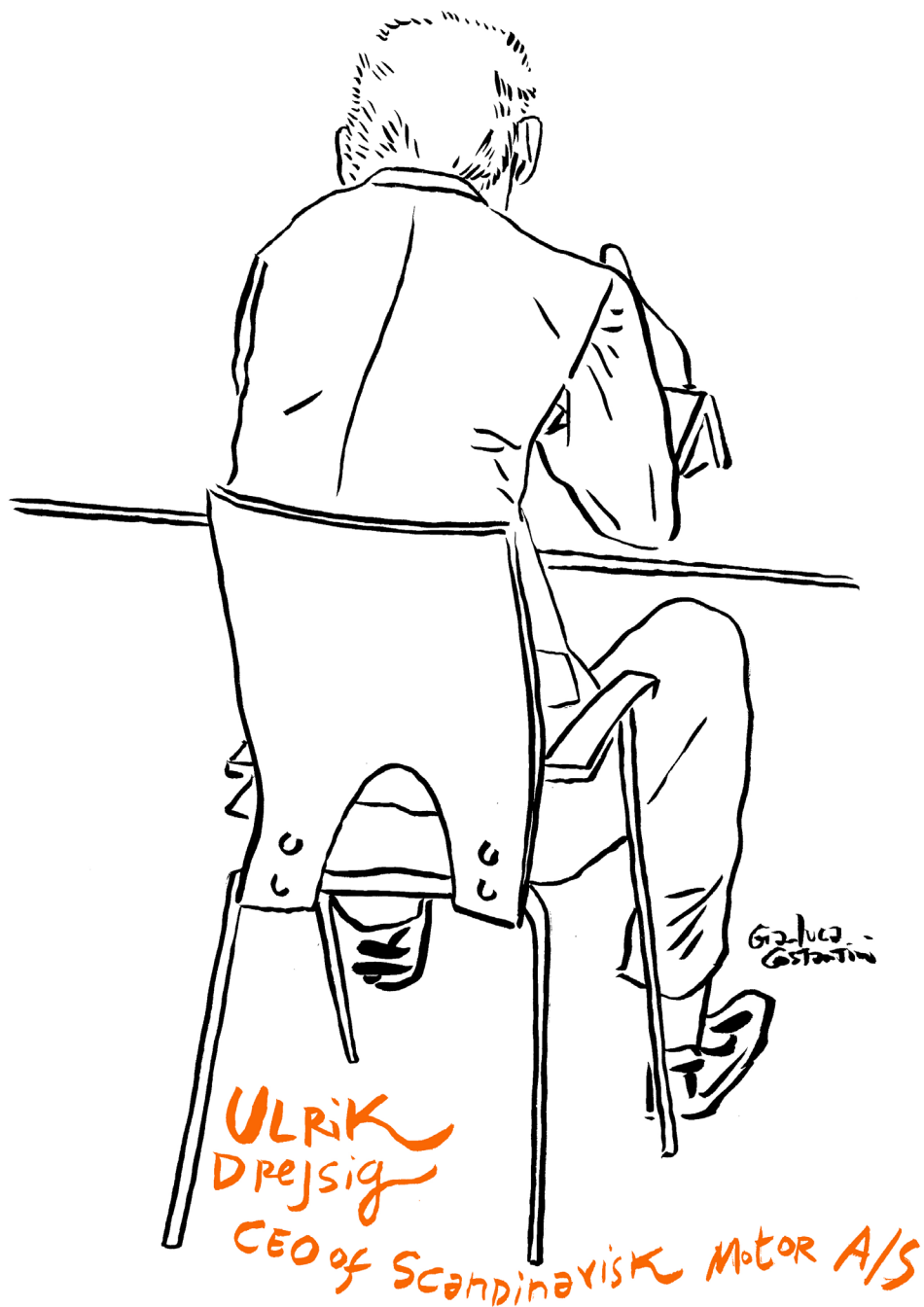
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of how human beings try to survive,  
black ink and pen marker on paper,  
24x33 cm, 2019



I think it is my responsibility to publicise the problems I recount.

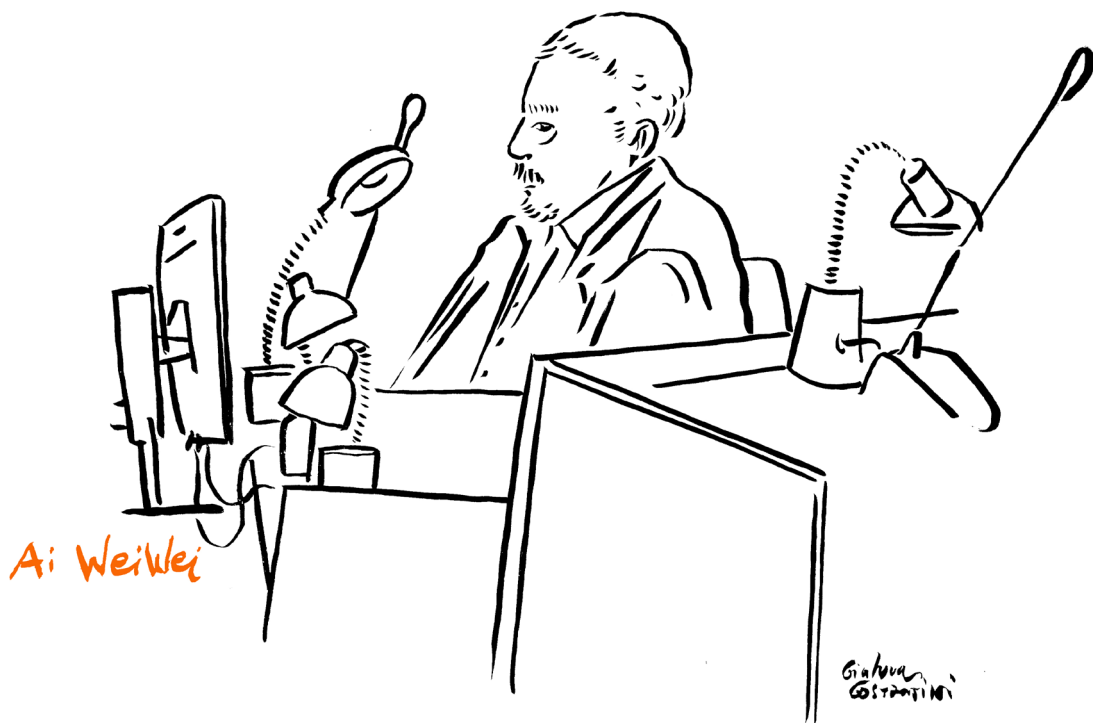
Judging from past experience I don't trust most systems.

33x24 cm, 2019

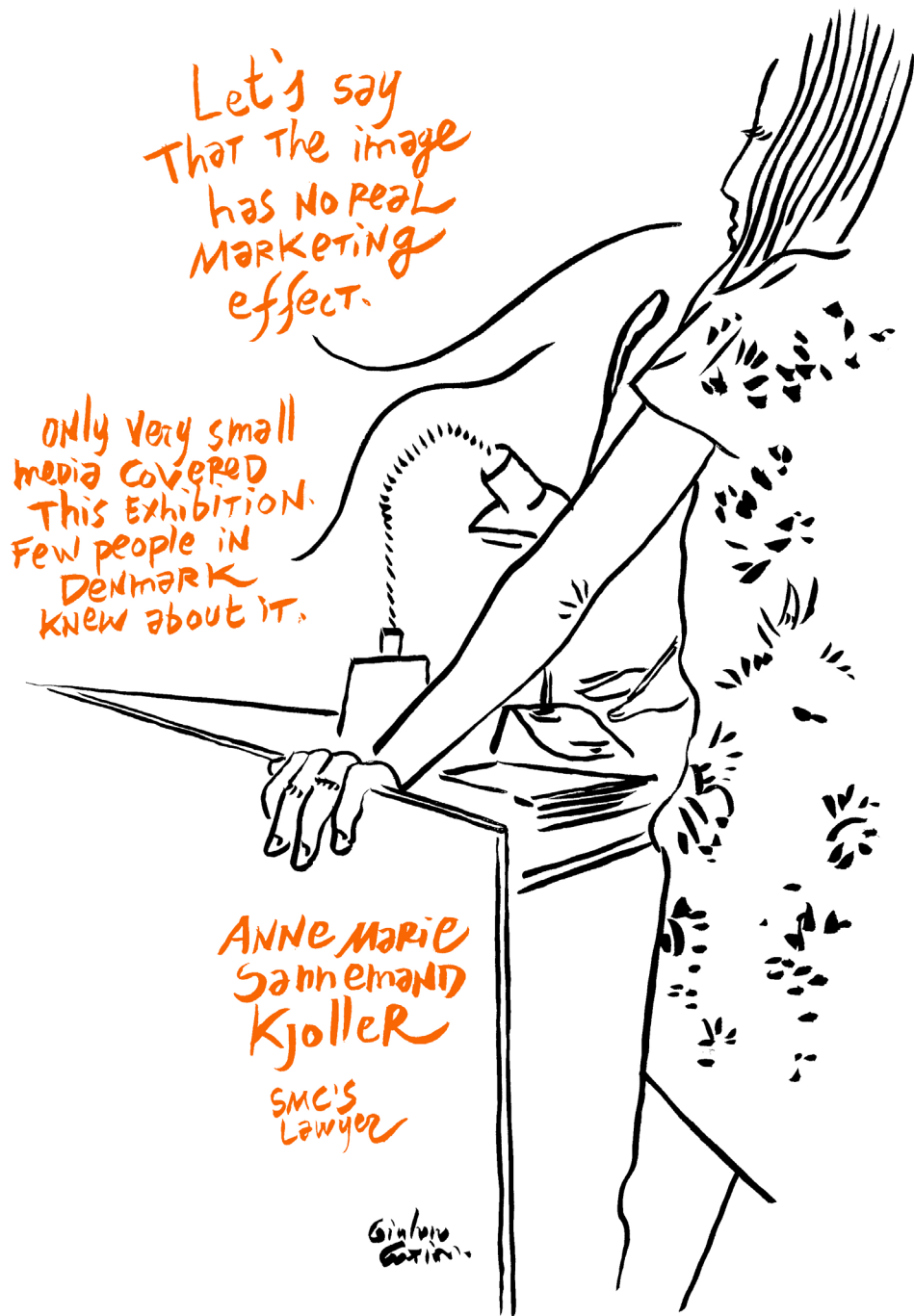


Ulrik Drejsig CEO of Scandinavian Motor A/S  
black ink and pen marker on paper,  
33x24 cm, 2019

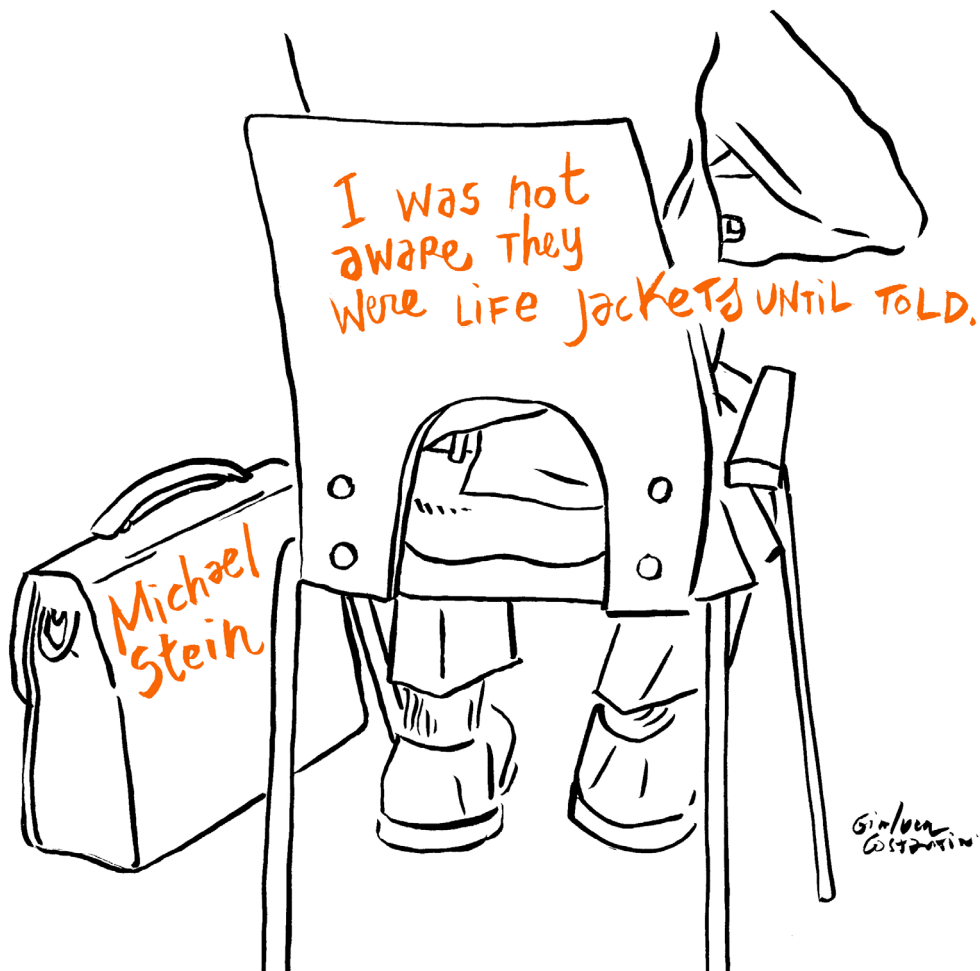




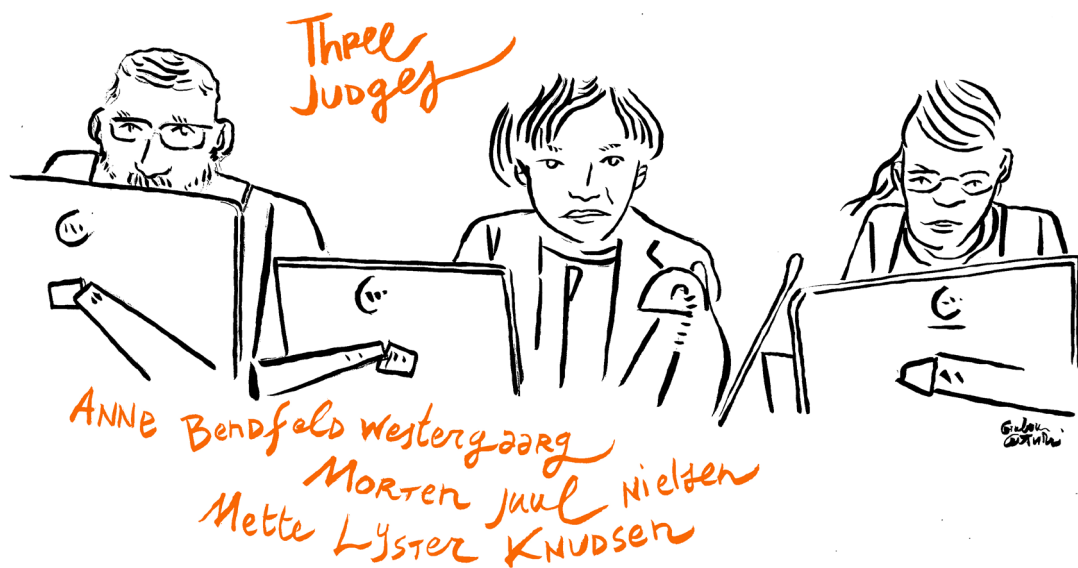
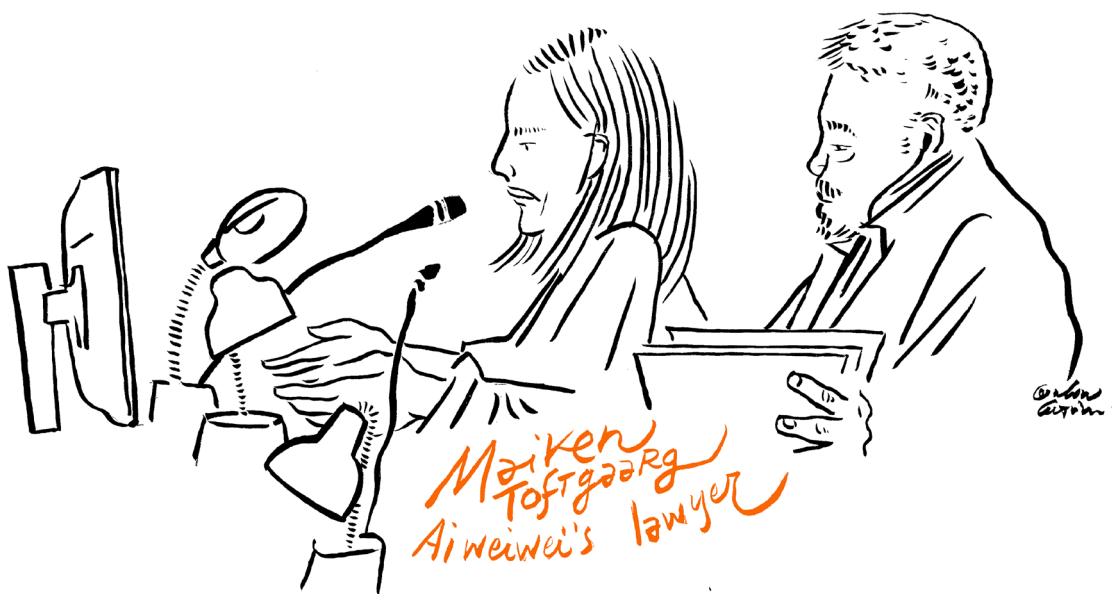
Ai Weiwei,  
black ink and pen marker on paper,  
24x33 cm, 2019



Anne Marie Sannemand Kjøller,  
black ink and pen marker on paper,  
33x24 cm, 2019



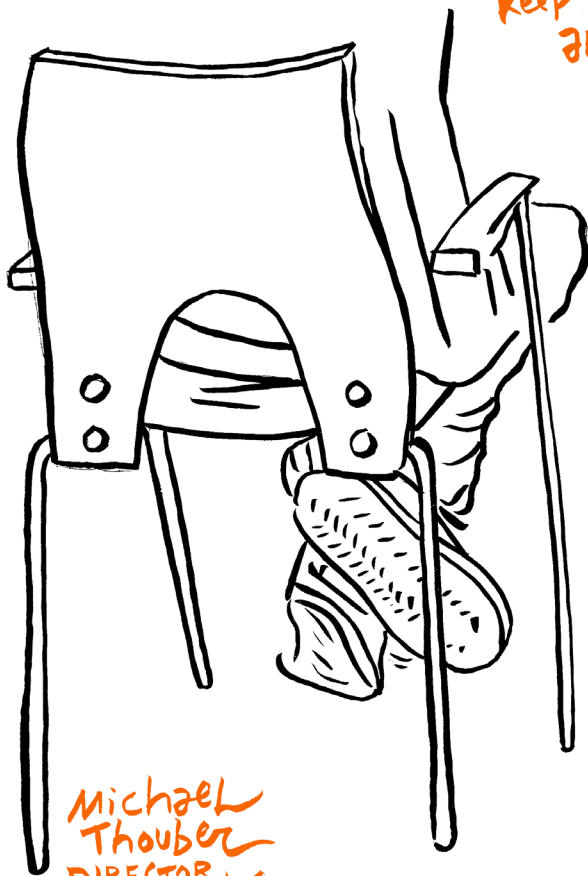
Michael Stein,  
black ink and pen marker on paper,  
24x33 cm, 2019



Maiken Toftgaard Ai Weiwei's lawyer,  
black ink and pen marker on paper,  
24x33 cm, 2019

Three judges,  
black ink and pen marker on paper,  
24x33 cm, 2019

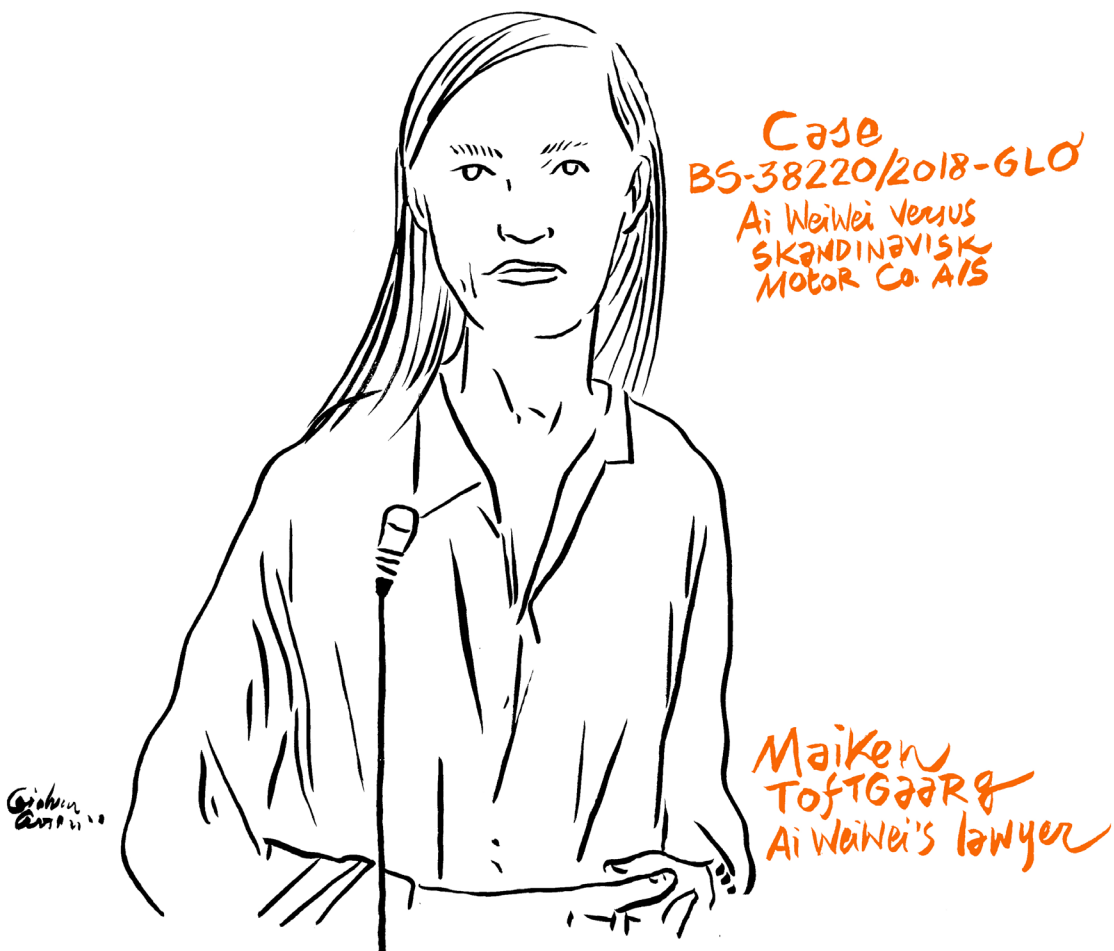
This is a Violation  
of NOT ONLY the Rights  
of the ARTIST but also  
of Those of the Museum.  
IF Such Violations  
Keep Going ON,  
ART will  
cease to  
EXIST.



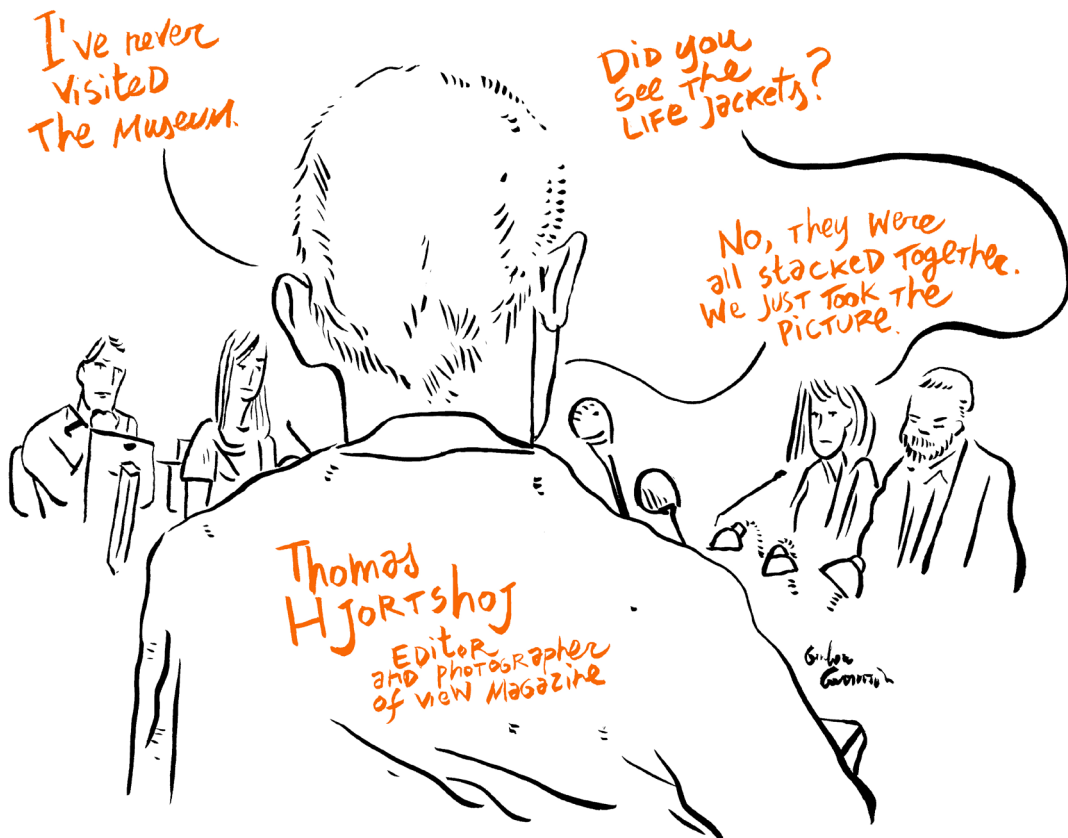
Galileo  
Garnier

Michael  
Thouber  
DIRECTOR,  
KUNSTHAUS  
CHARLOTTENBURG

Michael Thouber,  
black ink and pen marker on paper,  
24x33 cm, 2019



Maiken Toftgaarg,  
black ink and pen marker on paper,  
24x33 cm, 2019



Thomas Hjortshøj,  
black ink and pen marker on paper,  
24x33 cm, 2019

VW attitude towards China  
Does not represent the view  
of Danish branch.



So, which is VW attitude towards China?  
Is it so bad?

VW attitude towards China does not represent  
the view of Danish branch,  
black ink and pen marker on paper,  
24x33 cm, 2019







@channeldraw

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May 22, 2019

Glostrup District Court, Copenhagen, Denmark

channeldraw press